

**APPLICATION FOR
UNITED STATES LETTERS PATENT
SPECIFICATION**

CERTIFICATE OF MAILING BY "EXPRESS MAIL" - "Express Mail" mailing label number EM112847621US

Date of Deposit: Jan. 31, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

Corinne Byk
(Corinne Byk)

TO ALL WHOM IT MAY CONCERN:

Be it known that Shouji Toida,
a citizen of Japan residing at 122 Fulbright Lane, Schaumburg
in the County of Cook and State of Illinois
and Yasuhiro Murakami,
a citizen of Japan, residing at 801 Chisholm Trail, Roselle
in the County of Cook and State of Illinois
and John Bergeron,
a citizen of the United States, residing at 23586 Juniper Court, Barrington
in the County of Lake and State of Illinois,
and _____,
a citizen of the United States, residing at _____
in the County of _____ and State of _____,
have invented a new and useful INSULATED CUP HOLDER

of which the following is a specification.

100-444044-00

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: INSULATED CUP HOLDER,
the specification of which:

☒ is attached hereto. ☐ was filed on _____
as Application Serial No. _____
and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above, and that I believe the named inventor(s) to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought, and hereby acknowledge the duty to disclose information which is material to patentability in accordance with §1.56 (reprinted on the back) of Title 37 of the Code of Federal Regulations.

I also hereby state that no patent applications on this invention have previously been filed in countries foreign to the United States of America, except as follows:

COUNTRY	APPLICATION NUMBER	DATE FILED (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. 119	
			yes	no
			yes	no
			yes	no
			yes	no

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status: patented, pending, abandoned)
_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status: patented, pending, abandoned)

I hereby appoint Richard S. Phillips (Reg. No. 17,314), Wm. A. VanSanten (Reg. No. 22,810), Jeffrey L. Clark (Reg. No. 29,141), John S. Mortimer (Reg. No. 30,407), F. William McLaughlin (Reg. No. 32,273), Dean A. Monco (Reg. No. 30,091), and Jeffery N. Fairchild (Reg. 37,825) each registered to practice before the United States Patent and Trademark Office and practicing as the firm of **WOOD, PHILLIPS, VAN SANTEN, CLARK & MORTIMER, 500 WEST MADISON STREET, SUITE 3800, CHICAGO, ILLINOIS 60661 (Telephone 312-876-1800)**, my attorneys with full power of substitution and revocation, to prosecute this application, to make alterations or amendments therein, to receive the patent and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to the firm. All telephone inquiries may be directed to:

Wm. A. VanSanten

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

§1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentability defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent or inventor.

Full name of sole or first Joint Inventor Shouji Toida Citizenship Japanese
Inventor's Signature [Signature] Date 01/26/01
Residence 122 Fulbright Lane, Schaumburg, IL 60194
Post Office Address c/o The THERMOS Company, 300 N. Martingale Road, Suite 200
Schaumburg, IL 60173

Full name of second Joint Inventor, if any Yasuhiro Murakami Citizenship Japanese
Inventor's Signature Yasuhiro Murakami Date 01/26/01
Residence 801 Chisholm Trail, Roselle, IL 60172
Post Office Address c/o The THERMOS Company, 300 N. Martingale Road, Suite 200
Schaumburg, IL 60173

Full name of third Joint Inventor, if any John Bergeron Citizenship U.S.
Inventor's Signature [Signature] Date 1/26/01
Residence 23586 Juniper Court, Barrington, IL 60010
Post Office Address c/o The THERMOS Company, 300 N. Martingale Road, Suite 200
Schaumburg, IL 60173

Full name of fourth Joint Inventor, if any _____ Citizenship _____
Inventor's Signature _____ Date _____
Residence _____
Post Office Address _____

Full name of fifth Joint Inventor, if any _____ Citizenship _____
Inventor's Signature _____ Date _____
Residence _____
Post Office Address _____